

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
MONDAY, DECEMBER 8, 2014
Town Hall, 2nd Floor Auditorium
109 Front Street, Winchendon, Mass.**

Present: Fedor Berndt, Chairman
Elizabeth R. Hunt, Vice-Chair
Robert O’Keefe

James M. Kreidler, Jr., Town Manager
Linda A. Daigle, Executive Assistant
Donna Allard, Town Accountant

Absent: Keith Barrows

List of Documents Presented at Meeting:

- Town Accountant’s Year To Date Budget Reports dated 12/8/14 (filed)
- DPW Director’s Request to Snow and Ice Deficit Spending (attached)
- Planning and Development’s Introduction to the Central St. Revitalization Study (attached)
- Pole Petition – Lakeview Drive (filed)
- Guy Corbosiero’s note of interest to serve as Fence Viewer/Field Driver (filed)
- Bonfire Permit application for January 17, 2015 – The American Legion, 295 School St. (filed)
- Road Race Permit application for April 11, 2015 Brittany Fund for Trauma (filed)
- Class II Permit application - United Vehicle Remarketing, Inc., 230 Baldwinville Rd. (filed)
- 2015 License Renewals List – (attached)
- Vasta Inc., d/b/a Kwik Stop Liquors Form 43 for Reconsideration per ABCC Recommendations dated 11/14/14 (filed)
- Town Manager’s Report (attached)

Chairman Berndt called the meeting to order at 6:20 p.m. with the Pledge of Allegiance to the Flag of the United States of America. The meeting aired live on local cable access channel 8.

Announce audio/video recording disclosure – No one announced they would be video or audio recording the meeting this evening when asked by the Chairman.

SELECTMEN’S COMMENTS:

Fire and Iron/CAC Toy Drive - Ricci Rushioni, President of Fire & Iron Station 857 came forward with his group and volunteers and talked about the “Santa Express” delivery of toys made yesterday to kids in Winchendon. He introduced Mark Clark and Mary Jane DiConzawho were responsible for “Santa’s Express.” It was an unbelievable and humbling experience for him. Mark came forward and described the event which started five years ago with Mary Jane who came up with the idea to help one family in Fitchburg. From that day forward the community involvement just continued to grow with more people being engaged in it and helping out as we see here tonight with this amazing table of toys. Over a course of five years, it has enabled us to get to literally 4500 kids in that area and hundreds of families receive gifts like

this and meal baskets all from community engagement. This project is close to our heart and it keeps building and keeps getting better. He reached out to Ricci and asked him about Winchendon being a great fit for this program. Ricci made some calls which resulted in this partnership with the CAC and the Winchendon Fire Dept. It was put together by Fire and Iron 857 who sought out the toys and in short time, 2 ½ weeks, were able to pull it off. Yesterday they were out and saw a lot of amazing kids. He thanked Winchendon and anyone involved making it happen. It built some special moments and memories for children that they will never forget. Ricci recognized Winchendon Firefighter Bryan Clayton, Dan Carter, local Fire and Iron, Jim Bevilacqua and Dan Brown. This group has twenty members with a family atmosphere and pride themselves in giving back to the community. They have helped financially the Wreaths Across America program and Friday will be laying out wreaths at the Veteran's cemetery. They've raised thousands of dollars for the Greater Gardner Relay for Life. He said this time of year people should be thankful for what they have, give back to their community and be positive. He thanked everyone and was applauded. Kreidler informed everyone that you can go to the Town's Facebook page and view the YouTube video that was made of the toy delivery yesterday. You can see the faces of some of the kids; it's just amazing and very moving. Kreidler mentioned when he had heard about this and asked how to get involved, the toys you see here are from Town Hall employees, Board of Selectmen and Committee members. Even though we are a day late in terms of the Santa Express, he knows Colleen still has a need at the CAC. A brief recess was taken for a photo and to help bag the toys up for Colleen to take to the CAC.

Recess was taken at 6:26 p.m. The meeting reconvened at 6:35 p.m.

Holiday Schedule - Hunt read the Holiday schedule for Town Hall and the Transfer Station.

Winter Parking Ban – December 1, 2014 through April 15, 2015 there is no overnight parking on town roads.

Hunt read that the Special Election for the override warrant article will be held on Saturday, December 20, 2014 between 9:00 a.m. to 1:00 p.m. at the Old Murdock Senior Center.

PUBLIC COMMENTS AND ANNOUNCEMENTS:

Mr. Don O'Neil came forward and said there will be a Victorian Tea at the Historical Society on Saturday with two seatings at 1:00 p.m. and 2:30 p.m. The tickets are ten dollars. They are all decorated for Christmas and opening up to the public. You can call Don for tickets in advance or buy at the door.

TOWN ACCOUNTANT MONTHLY UPDATE:

Financial Update:

Town Accountant, Donna Allard, said they have been very busy in the Accounting Office. They have met all the submittals that the Department of Revenue (DOR) had required they do. Our FY14 balance sheet has been submitted and the Recap is in to their computerized system. She is waiting for the other piece of the Recap which is the Assessor's reval year with certifications that need to be done. That will probably take some time but we are up to date on our last Town Meeting votes all in the system. The Schedule A, which reports all of our expenditures and revenues for the year have been submitted to DOR for FY14. These requirements met will help with the deficit legislation coming our way. She provided them with a current status of the appropriation budget not reflective of Town Meeting votes with the reductions but that will come soon. There are reports for both the school and the town that she will provide on a monthly basis. The last page shows we are at 56% of our budget which is a pretty good place to be considering we are six months into the year. Hunt asked about modifying the format. Allard said it would need to be put in Excel. She explained the column headings and codes in the spreadsheet. It was noted not to look at percentages alone as there are certain accounts that are expended completely early in the year because of one time expenditures, like subscriptions and dues, and then there are other things that get expended at the back side of the year looking like no expenditures have occurred for the year. O'Keefe cautioned also when looking at the available budget column. Right now it says \$1.5 million is available but you need to look at the column before it that says "Encumbered." This column reflects Purchase Orders that have just been implemented and issued. He would like to see in the future the "Available Budget" disappearing and that money moving to the "Encumbered" so a more true number of what is available is listed. Ms. Allard said she does have them encumbered now but it is outside of the Munis system. It is a goal to bring them in to the system.

Hunt asked if they could get the reports Tuesday before they meet so they have time to digest and prepare any questions for her. They discussed what time would be the best for her to send the budget report. It was decided she would provide them with the report as of the last month when she had her monthly meeting with them. Kreidler said the Accountant emailed this report to all Departments today and that they could be put on the same distribution list. Ms. Allard spoke about the goal to put this on the website as well. O'Keefe asked if it could be put on the website as a .pdf now. Ms. Allard said she is looking into it. O'Keefe asked the Town Manager, in addition to them getting the report, if there was any specific line item that he already knows there is an issue to plan on speaking to it at the meeting and drawing their attention to it letting them know he is aware of it and what his action will be.

Snow & Ice Deficit Spending Permission Request from DPW Supt. John Deline - Hunt read Public Works Director John Deline's request to deficit spend the snow and ice account. Deline came forward and said the cost has gone up 48% this year. Mass DOT is paying the same price and that they couldn't have done better than that. Hunt asked about regionalizing, joining forces with other towns for a bigger amount and a better price. Deline said we are in line with Mass DOT and couldn't get in a larger pool than that. It's the same price we are paying. He also mentioned you need a reliable source on a timely basis. He said with the next purchase he will be over the \$70,000 budget. He would like to order 350 tons which would cost about \$28,000. O'Keefe said this was the first time Dir. Deline has been before them and asked the Town Manager why. Kreidler said it's something that should have been happening. The Town Accountant brought it to his attention this year. It wasn't something required by the prior Town Accountant but Ms. Allard says this needs to be done every year at the beginning of the year. O'Keefe asked if they would see this from all departments. Kreidler replied the only thing you are legally allowed to overspend is snow and ice with the requirement you get the Board of Selectmen's approval. Allard said it also needs to be on the radar of the Director of Accounts at the DOR and usually its required when the auditors come and see we did get the approval of the Selectboard first of all. O'Keefe asked if he was looking for a specific amount. Allard said this is just the approval to deficit spend and then the amount of the deficit spending is addressed at the end of the fiscal year through reporting. It's impossible to know what he will deficit spend until the end of the year. O'Keefe suggested they approve a certain dollar amount and that the Director could come back again. It was agreed to do in stages. O'Keefe moved the Board of Selectmen authorize the Public Works Director to deficit spend up to \$65,000 in the snow and ice account; Hunt seconded. She said they will most likely see him again when he approaches upon the \$135,000. Hunt questioned why we don't budget more each year even though the state allows the deficit spending. O'Keefe said the same question was asked to our auditor and he said no. He said it would be true in every other account but this one. She interpreted it different not wanting it to be way out of balance and thought it should be brought up a notch understanding that once brought up, it can't go down. O'Keefe pointed out that this year there was a 48% increase and cautioned about increasing it and then have funds sitting in an account and not being able to touch it. O'Keefe suggested a policy where they look at the last five years and set the account number to the lowest number. It would be looked at for future budgets. With a vote of all aye, the motion passed unanimously.

Deline wanted them to be aware that this does not include the overtime and at some point he will have to come back before them on this. The overtime account is a different line item.

Hunt thanked him and his guys for the great job they do with the storms and the road work being done. Deline said his guys do a great job, they are very conscientious and work hard and said to thank the guys if you see them.

BOARDS/COMMITTEES:

Central Street Revitalization Study Final Presentation – UMASS Planning Graduate Studio Hosted through Community Development Office – Director of Development Gerry White came forward and spoke about the project saying it would have cost the town tens of thousands of dollars but through the credit of Planning Agent, Tracy Murphy, sought out the study through UMASS Amherst. The Winchendon Redevelopment Authority and the Planning Board paid a bit and got a lot from this study. He pointed out Professor Darrel Ramsey-Musolf and his assistant Gregory Lewis who taught the course. He introduced Brandon Gibbs who is one of the students involved in establishing a vision for the future of the Central Street “downtown” corridor and to create a strategic plan for the realization of that vision. Mr. Gibbs introduced the other member students participating in this study: Johana Stacy, Allyson Manuel, Kathleen Doherty, Cat Bryars

and Sheena Grewal who was not able to attend this evening. They presented a Power Point overview of their Methodology, Findings, Recommendations and Implementations.

They visited the town about twelve times over the course of the semester and used the location and the Toy Town legacy to identify how the methodology would work. They did traffic flow analysis, interviewed people, had public participation workshops and did research. They wanted to reflect the town's values and will of the people so they had a public participation workshop. In the workshop people identified areas they liked and didn't like and prioritized the study areas.

Ms. Stacy next spoke about making Winchendon a place and not just a drive through. Their findings were recommending a traffic flow, cohesive development, reinvesting in downtown, capitalizing on local resources and the need for identity and branding. She spoke about the traffic snarls at Blair Square and Central Street.

Recommendations include creating narrower travel lanes on Central St., extending the bike path via bike lanes in through Town, widening the sidewalks and implementing green infrastructure and a redesign for Blair Square. She spoke briefly on each recommendation.

Ms. Manuel came up next to speak about development styles. They have found that Central St. and Blair Square, the whole general corridor, have several different styles of development that are conflicting that result in a sense of inconsistency and disconnect between different parts of Central St. To address this, they have several recommendations. First to enforce zoning that is already in place, then moving in with some piecemeal zoning changes and finally rounding it out with more comprehensive and sweeping changes to the zoning. She expanded on these recommendations.

Ms. Doherty spoke next about development. She said one of their major findings was the lack of investment in downtown. Some of the buildings are in poor repair and over a quarter of the parcels on Central St. have vacancies. Recommendations they have to spur reinvestment in downtown in the short term are:

- Local support and collaboration – One of Winchendon's greatest assets is the people. Residents really care about the town and want to see it come back to life. The town should harness this social capital and use task forces to accomplish things like "Clean up Winchendon Day" or like the Toy Drive we just saw.
- A Local Chamber of Commerce
- Continue to partner with local and national organizations to continue to accomplish its revitalization goals. Participation in one of the Main Street Programs is an option for Winchendon to follow.
- Façade improvements – the Town could connect local business owners to a volunteer façade squad or provide low interest loans for façade improvements.
- The Town should continue to retaining and promoting the businesses they do have and filling vacancies. A suggestion was to consider "Pop-up Markets" where landowners provide free rent to tenants for one or two months, usually around the holidays to reenergize the downtown and hopefully fill those vacancies in the long term.

To set up their recommendations for these areas she explained a tool called Tax Yield Per Acre (TYPA) which is used to calculate which types of buildings bring in the most property tax revenue per acre. The buildings on Central St. were categorized and calculated average type. The graph showed that density paid and parking lots did not.

Their proposal for 111 Central St. is the additional of three new multi-story mixed use buildings with zero set back in the front and parking in the rear. This would provide more pleasant walking conditions for pedestrians and opportunities for ground floor retail. A 53% property tax increase would benefit the town.

The proposal for the Railroad St. neighborhood is the addition of six new buildings; three with one story and three with two stories and an extension of the bike path along the railroad right of way. They have two buildings that abut the bike path that could be something like a bicycle store or an ice cream stand. The new configuration results in a 53% tax yield.

Ms. Bryars spoke next about the abundant resources we have downtown but are currently more disconnected than they have to be. She gave an example of the abundant conservation areas downtown and historic assets that exist but there hasn't been a recreational hub established in the downtown to concentrate on the activity that these resources can draw so that commercial activities really stay and are reinvested in the downtown. Their recommendations for visitors and residents are to add some signage, adding two additional bike path extensions, investment in key historic properties on Central St. and some different proposed uses for Mill redevelopment. She spoke further on this.

Mr. Gibbs spoke about the need for identity and branding. They noticed in their research the amount of pride in Winchendon but that that wasn't reflected in the Downtown. It is lacking character. He introduced the audience to the "Winchendon Village" which is both an historic and great marketing opportunity for the town. For the next six months to two years, they recommend developing a seasonal brochure giving support to the Winchendon Village. They recommend signage that delineates the downtown area as well as a rocking horse cross walk design that showcases the Toy Town brand. They performed a marketing analysis that showed where money is being spent outside of the town.

Ms. Manuel closed up with a Summary of their findings as well as funding opportunities. She had several takeaways for us to have:

- First, is the town should continue to embrace its local character
- Second, the town should be steadfast and confident in enforcing zoning so it does not continue to push its vision of walkable, mixed-use development further and further into the future
- Third, and possibly the most important is how important the local residents and stakeholders are because their investment and commitment to the investment of downtown will make the revitalization more successful and more sustainable

Implementation: Funding Opportunities: Ms. Manuel spoke about certain federal and state grant opportunities that could help pay for such things as historic preservation, new sidewalks and crosswalks and many other town and private investments. If these grants and incentives are not enough to make up the deficit there is the Community Preservation Act or Business Improvement District which is a surcharge on property taxes that can only be used on specific projects locally. Public and Private Partnerships were also recommended for financial support as well as volunteer time that can be equally as productive and significant as financial support. Residents and their commitment to the Town is very important.

She said they admire the character and spirit that is at the heart of the downtown and their goal is to protect that character and that "Winchendon Village" is a place to be realized and not just remembered. She thanked the Board of Selectmen for allowing them to present this evening and everyone for their support, especially Tracy Murphy and Gerry White from the Planning Dept. and to their professors at UMASS.

Professor Ramsey-Musolf said a final report will be done in two weeks and forwarded to the Town. They were thanked for the comprehensive overview which was timely and helpful and we would be looking forward to details of their report.

Mr. Corey Bohan also thanked them and said we don't stick to our zoning. We are far too lenient and that it is more than ever present in our downtown area and that has created this cohesiveness we are left to bear with evidence of store fronts that are vacant. He wanted to figure out why people were going out of town, for what and work on that. Ms. Manuel said there is money going out of town that could be brought back by going after the experienced based goods.

Ms. Penny Maliska asked them how they would summarize Winchendon's most salient qualities or characteristics. They noticed the residents as an important quality. Everyone they talked to on the street was really interested in what they were doing. In terms of marketing the town, they noticed the outdoor recreation opportunities in Winchendon, even the ones that aren't clearly obvious are being used by people, like the bike trail from New Hampshire to Winchendon and Lake Dennison and the bike path to Gardner are huge resources and a vision they see as Winchendon as a designation place for outdoor recreation. The program does work with multiple phases of the project and could be of assistance. The group was thanked and applauded for their great work.

POLE PETITION PUBLIC HEARING:

Lakeview Drive - Berndt opened the Public Hearing by reading the notice into record. Ken Dolby from National Grid came forward on this petition to install service for a new home on pole no. 76. Kreidler asked why this is a single owned pole and not joint with Verizon. Mr. Dolby said the customer was not going to use Verizon service. There weren't any abutters present with questions. O'Keefe moved for the applicant; Hunt seconded. By a vote of all aye, the motion carried unanimously.

DPW Director John Deline came forward to inform the Board the trouble he has with guide cables left into cut trees. He is at his wit's end trying to get National Grid or Verizon to getting them removed. They are unsightly and sooner or later they are going to be a hazard. Kreidler said the answer you usually get from the person who was just sitting here is that is a different division. They've tried to marry them together with we'll give you one pole but you need to rectify one of these issues. It has gone as far as legal and you can't hold hostage one action to compel action on another. John's frustration is real and unfortunately will continue unless there is another avenue that can be found to generate some success. We've had some success with the current local account representative than we have had in the past but we are still not getting what action we need. Deline said he has gone over some of these issues; some have two guy cables which one level is electric and one level is phone. He hasn't been unsuccessful, has wasted time and is frustrated it is going nowhere. Kreidler stated that John is also the tree warden and an angle we could potentially try is a Public Tree Hearing with removal of unsafe trees. If determined a nuisance and a safety hazard and need to come down, we could then give notice to National Grid and Verizon that the tree is coming down and they have to make another arrangement. Notice would be given to the abutters about that tree and notice to National Grid and Verizon. John said it's something he could look at. He gave some examples of certain trees in town and wanted them to know that he is trying his best to take care of the issue. Hunt asked him to document his phone calls and conversations. O'Keefe asked if he has spoken with peers in other communities. John said yes, this is a problem in other communities. They love to put new poles for new services but when it comes to maintaining and taking care of the guide cables, they don't do anything about it and don't take care of older infrastructure. They should be eliminating them and don't. John was thanked for pointing this out.

APP OINTMENTS/RESIGNATIONS:

Fence Viewer/Field Driver – Guy Corbosiero – Mr. Corbosiero came forward. His letter of interest was read. Mr. Corbosiero noted that this position has its own chapter in Mass. General Law with forty-two sections. Hunt moved to accept the appointment. O'Keefe seconded. By a vote of all aye, the motion carried unanimously.

PERMIT/LICENSE APPLICATIONS, HEARINGS:

Bonfire Permit January 17, 2015 – The American Legion, Post 193, 295 School St. – Mr. Fran Murphy came forward on this application saying how successful it was last year when the 250th Committee came to them. This year it will be a roast beef dinner. Any Christmas trees, wreaths or pallets can be brought to the Legion. The Fire Dept. is volunteering to be there but the Police Dept. noted they would need two detail police officers but are basing it on last year's figures. It was suggested the Legion coordinate with Lt. Walsh with his discretion of whether or not it would require one or two officers bearing in mind public safety with any issues with alcohol and with a bonfire. The fee for the detail officer was discussed. O'Keefe pledged personally \$160 for one detail officer and moved for the applicant, Hunt seconded. By a vote of all aye, the motion carried unanimously.

Road Race – April 11, 2015 Brittany Fund for Trauma – Hunt spoke on behalf of the applicant Veronika Patty. She read the description of the 2.6 mile road race and explained the route. Police detail was not needed. Hunt moved to approve; O'Keefe seconded. By a vote of all aye, the motion carried unanimously.

Class II Owner Name Adjustment – Affordable Motors - Kreidler informed the Board that they had received notification from the applicant today that they were withdrawing the application for a name change and the listed operator will remain the same.

Class II - United Vehicle Remarketing, Inc., 230 Baldwinville St. Rd. – Johny Elnemer can forward on his application. The Planning Agent's desk review has been completed and approved. Mr. Elnemer said he's not sure of the hours but thinks 8:00 a.m. – 5:00 p.m. Monday through Friday, Saturday 11:00 a.m. - 4:00 p.m. and Sunday closed. Hunt moved to

approve with hours; O'Keefe seconded. By a vote of all aye, the motion carried unanimously. Mr. Elnemer has obtained the required Class II bond.

2015 BOARD OF SELECTMEN ANNUAL LICENSE RENEWALS

Daigle said enclosed is the list of license renewals for their consideration this evening. One of the licenses, Blake's Motor Sales, is not renewing due to retirement. There were some property taxes and water sewer bills that were outstanding but after reaching out to the license holders, they have come in and either paid or have or will set up a payment plan with the Tax Collector's office. The licenses will be held until this has been addressed by either being paid or a payment plan in place and she recommended the Board approve the licenses with that condition. Hunt moved to accept the motion on that condition. O'Keefe spoke about the memo from the Planning Board who had an issue about one of the locations, 560 School St. Daigle informed the Board she had a response from Paul Blanchard, the Building Commissioner / Zoning Enforcement Officer, today and passed a copy of the letter out to them. Kreidler stated what that letter stands for generally is the Building Commissioner again takes the position that what is occurring on that location no matter how you define it, whether it is defined as a Class II, Class III or any combination thereof, doesn't rise to a level of being an enforceable zoning issue because our zoning doesn't contemplate Class I, Class II or Class III specifically. We have definitions like open air salvage and junk yard but not tied back to the use table. We made some effort at Town Meeting a couple weeks ago to at least put Class I, II and III definitions on the book but not yet taking it as far as making those statutory license definitions part of the use table so when the activity you permit isn't being followed, it also triggers a zoning enforcement issue so Paul can address it. Right now all that can be done is you call the applicant in and have a discussion of uses being conducted on site under what has been historically a Class II license. O'Keefe said our Building Commissioner is saying zoning is not being violated however our Planning Board is stating they believe the license is being violated. Kreidler replied the Planning Board letter says the license and zoning but we need to take zoning off the table because of his letter but it still is a licensing issue before you. Berdnt reminded everyone that the gentlemen said at a prior meeting that he was doing Class III activity at his location. Kreidler spoke about the seminar conducted about a week ago by Town Counsel on Class I, II and III licensing and the expectation was we would have had crystal clarity at the end of the night. Unfortunately, that did not at all occur. At the end of the night, there was enough information on both sides of the table that everyone came away realizing they need to regroup and do more research, including Counsel. There is no on point case law at the appellate court level or above that we would be able to use as a good background for the Board's purposes when they do the licensing. In fact there are cases all over the place. One of the cases Town Counsel references is that you are allowed with a Class II to disassemble. You are allowed to have a certain number of vehicles on site in various stages of being disassembled as long as you are using the parts on site, as long as you are using it for reconstruction for a saleable automobile on site. What you are not allowed to do with no dispute is to take vehicles apart and sell parts, that is exclusive to Class III. There is a lot of gray area on what you can and can't do. We had a meeting after that with the Zoning Enforcement Officer, the Police and one of our local license holders that serves on a national board that deals with these types of issues and brainstormed what locally can be done to provide clarity because on the state level there is none. There has got to be a way to have everyone understand that if the licensing authority calls in an applicant and say we believe what you are doing falls outside of a Class II and therefore we are not going to issue your license, we expose ourselves because there is no clear precedent at the appellate court level that we can rely on. That doesn't mean you should grant Class II licenses without consideration of what's happening on site. The middle ground discussed at this brainstorming session was to find a way to implement two tiers to live up to. One is to limit a certain number of vehicles which can be the parts vehicles and tie that number to formulate a number of vehicles they sell historically. If somebody sells ten cars a year, it's roughly two to one of parts cars they can have. Condition it further that they have screening and buffering of the salvage/parts vehicles and saleable cars are in front of the lot.

Chairman Berndt expressed his concern with that feeling they would be junk yards. Someone with thirty cars could have sixty cars and that's a junk yard. Berndt said we made people comply; he's looking at both sides of the coin. O'Keefe said the definition of Class II says your principal business must be the buying and selling of used vehicles but it doesn't exclude them from doing other things. This specific lot he just sees a bunch of disassembled cars all over the lot and doesn't see a sales sign on any one car out front. Kreidler said that goes to point, you have the authority to grant or not grant the license. You have some discretion as to what requirements you put in place. We have learned that there is no case law that you can rely on safely to define what salvage work is. We do know you can say things like if you are going to have these salvageable vehicles, cannible vehicles, you have to screen them from view. If you haven't sold a car in one or two years, you don't have to grant a license because they are clearly not selling cars. You don't have rules right now but you can put them in place. Once you do, you will have authority to give them thirty days notice if they are not compliant to become compliant and if they don't, you can take action on their license. What complicates matters more at this location is they received their special permit in the 80's. Unlike today where special permits run with the business and limits the number of vehicles, this runs with the land and there is no limitation. They have grandfathered status in regards to the number of vehicles but you can require screening and those saleable vehicles on this side of the screening. He said it wouldn't be fair to have compliance within weeks of renewal and would need to put together a reasonable roll out period into play for them and send out notice about putting regulations in to affect and they would be expected to be in compliance by a date certain, maybe July 1st and then take your action if someone is not going to be compliant. The Board of Selectmen would be that driving authority. He has a draft from the meeting and will have it before them at their next meeting. Daigle said the licenses before them tonight could be approved holding back the Class II licenses for their next meeting. Kreidler said the Board could take a vote this evening that for Class II licenses that a policy will be described in a letter to the license holders that puts them on notice that by a date certain the following would need to be implemented at their locations. We could issue the license with that proviso that that will be one of the requirements in this licensed year. The followup on a zoning perspective, Class I, II and III licenses be tied into the use table that would give you a little bit more leg to put this policy in place for Class II. Hunt was concerned about the cost of a business owner to put up a fence and thought they needed more time. Class III license holder NEATR was mentioned as a leading example to follow. Kreidler said their option is to do nothing or create this policy and have them comply six months or within the year or appeal. O'Keefe said our No. 1 problem we heard from the students tonight is our lack of zoning and he didn't want to create a situation where we give exceptions. He doesn't like this board making these decisions and wants to trust in the trained professional staff. If they put definitions in the use table at Town Meeting, would the Zoning Enforcement officer be able to address it. Kreidler said he wouldn't be able to do much more because statutorily Class II is written to cross both lines by design. Zoning isn't going to be the only issue and it does come down to you as a licensing perspective. You have the authority. According to Counsel it is a gray area but it needs to be something projected to them, known to them, time to implement it and is defensible. The Board discussed the time of compliance and how it would affect the license holders and also what type of fences would be acceptable and would it be only the salvage vehicles.

O'Keefe moved to approve all the licenses provided by the Executive Assistant and recommending approval with adding for our Class II operators a new requirement for fencing compliance by July 1st. Questions arose on defining the fencing. Kreidler suggested issuing a Class II license with the following proviso: on or before July 1st, 2015 a requirement that all Class II establishments 1) screen all salvage and parts vehicles from the road way, 2) allow only saleable vehicles within the public view from the road way. He said that doesn't define what type of fencing is. A sketch could be provided in case of questions. With continued discussion on defining what type of fence and more information needed to be clear to the license holders, O'Keefe made a new motion. He moved to approve all licenses listed on the spreadsheet provided by the Executive Assistant with the

exception of Class II licenses; Hunt seconded. By a vote of all aye, the motion carried unanimously. All other licenses will be distributed to license holders.

The Board asked the Town Manager for better language within the next ten days for Class II license holders so they can successfully debate and make a decision on whether to make a condition for Class II licenses. The meeting currently scheduled for Wednesday, December 17th was moved to Monday, December 29 at 6:15. Hunt asked for information from the Planning Board and the Board of Health and to see if the Zoning Enforcement Officer could join them. Kreidler stated the Zoning Enforcement Officer will say, unless zoning changes, he has no standing. Berndt added if we change zoning, particular items already existing will be grandfathered in.

Daigle spoke about John's Air-Cooled currently licensed with a Class II and Class III license. After review at the Kopelman and Paige hearing it was learned that he does not need a Class II license along with his Class III license with the type of business he is conducting. The Board was in agreement that just his Class III license would be renewed for 2015.

New Year's Eve Closing For Section 12 Liquor License Holders - O'Keefe asked if there has ever been an issue with the Police Dept. with these extended hours on New Year's Eve. Kreidler replied he hadn't heard of any. O'Keefe moved to approve New Year's Eve closing for Section 12 Liquor License Holders to 2:00 a.m. Hunt seconded. By a vote of all aye, the motion carried unanimously.

NEW BUSINESS:

Yard Sale Bylaw Discussion – O'Keefe asked to move this discussion to the next meeting.

Animal Control Reports – Kreidler informed them they are now receiving reports from the Police Dept. with any new dog bite incidents and asked how the Board would like to be notified. It was agreed to place with the weekly "Read Me" file for the Selectmen. It would be at the advice of Animal Control and the Police Dept. when it would come before you as a dog hearing. Not every dog bite comes before you for a hearing, but at least you would have knowledge.

Vasta Inc., Form 43 Reconsideration – Daigle explained the ABCC has returned the Form 43 on the changes to their license with "No Action" and recommendations to amend the application. These amendments are minor but need to come before you again for approval before sending back to the ABCC. O'Keefe moved to approval and send to the ABCC; Hunt seconded. By a vote of all aye, the motion carried unanimously.

OLD BUSINESS:

Berndt asked about an update to the multi-family unit inspections. Kreidler replied this is CMR7.80 "Multi-family dwelling units." Town Counsel has worked this issue with the Town of Amherst and a draft has been provided for us to model ours. It is a little more expansive than for our use because of all the college housing but it provides for a local requirement that five year renewing inspection be done with a fee for it being done and a fine for it not being done. He will get that to them when it's amended for Winchendon. Hunt asked to keep this topic on his list for updates.

TOWN MANAGER'S REPORT:

1. Personnel Updates-

- a. Insurance Advisory Committee- Kreidler reported he is soliciting interest from one (1) non-union school employee and one (1) non-union general government employee to sit in on and participate in the activities of the Insurance Advisory Committee. Ms. Judy Lajoie has been selected today at a Dept. Head meeting as the non-union general government representative. He should be hearing back from the school with their non-union member prior to the meeting of the IAC next week. The two additional employees will be

non-voting members. As a result of the drastic decrease in our claims experience as a group over the past three months and the fact that the claims are trending downward, the consultant has recommended that we push the transition to premium off by one month in order to bring in one more month of reduced claims data. It is his belief that this additional look will allow the carriers who have submitted proposals to further fine tune their numbers with more up to date and favorable data.

2. Financial Updates-

- a. Kreidler said he received a letter today from Senator Brewer's office and the Senate Number 2405 has been filed with the Committee on local governments. That is the deficit legislation that was passed at Town Meeting. It has been co-signed by Senator Elect Gobi and our Representative John Zlotnik. It is expected to move from that committee to the Governor's office. He was made aware this evening that there is some discussion in the community by folks that oppose this legislation that they will be sending letters to the committee members that will be reviewing this before it gets voted and transferred out favorably to both the house and the full senate. He strongly recommends and asked a vote be taken to send a letter on behalf of the community as the Chief Executive Elected Board supporting this legislation as reflected in the will of the people at Town Meeting. He said he would be additionally seeking a letter from the Finance Committee mirroring the one he was seeking from them. O'Keefe so moved; Hunt seconded. Kreidler asked if the motion could be amended to include allowing the Chairman to execute the letter on behalf of the Board. O'Keefe so moved; Hunt seconded. By a vote of all aye, the motion carried unanimously.

3. Project Updates-

- a. Phase 5 North Central Pathway - Kreidler reported the bid for Phase 5 of the Bike path project will be on the street next week. It will go from the intersection of Spring and Glenallen (the former Mizhir dirt lot) with some parking and landscaping and will then run along the rail bed and river all the way down behind Lil Anthony's that is known as Butler Road. At that point unfortunately, the only way to connect the two at that spot is to cross Spring and be able to stay within the breakdown lane on Spring to Old Gardner Road and that picks up the next section on Old Gardner Rd. on Rt. 140. There is ongoing discussion with the executors of the Schwartz estate about a parcel that could connect the paths with just one crossing on Spring St. making it safer for pedestrians and cyclists.
- b. Cumberland Farms Project- The proposed redevelopment of a Cumberland Farms store at the site of our current store is still moving forward. The preliminary designs show the store being roughly twice the size of the current store and shows the building fronting on Central Street with a patio and seating along the sidewalk. He will update them when he comes to know more. The folks of Cumberland Farms have heard from the Historical Commission that they don't like losing historical assets like Joseph's Fruits and the Fairbanks house and believes this is Cumberland Farms effort at addressing that in some fashion. He said this is being modeled after the Sturbridge store. Hunt asked to share that model with her.
- c. Proposed Business- Kreidler reported the activity (tree clearing and survey work) at the intersection of Rt. 140 and Rt. 12. Salvadore Auto Group, is looking to bring in a dealership at this location. The plans submitted look like it will be a Jeep Dealership. Meetings have happened at a staff level and appears the project has been green lighted and will be before the Planning Board shortly. It will be an exceptional gateway business and create new tax base and jobs for the town.
- d. Police Station Filed Sub-Bids- The second round of filed sub-bids for the police station project were due and received last week. They were publicly opened and recorded, as per the law, and once again the Architect and Project Manager have concluded that we did not get an adequate number of bidders and/or bids reflective of the scope. A conference call with counsel has been scheduled for Wednesday to carve out a pathway forward. Kreidler reported they only received two bids for electrical sub-trade. With this being a large portion of the contract and only receiving two bids it is not sufficient and grounds to not

have to accept it. Additionally, other filed sub-bid trades where the scope was reduced from the first set of bids put out, we saw no reduction in the bids or in some cases increases. It is a concern and reflective of what we have seen in the past marketplace now. Several things in the community have happened that have caused this to take a little longer than supporters of the project would hope. During the timeline that we have been delayed, the marketplace has changed. We are seeing a more robust market in the construction trade and the fear is there are folks that are looking at our remote location and figuring they will be put in a higher number and if they get it, they do and if not, they don't. He said a couple of things can be done like assign a dollar value to filed sub-bids. He is not comfortable making that decision given the attention and scrutiny the project has had and expects it to get to the Attorney General's office. Town Counsel is being brought in to the discussion to make certain that any future moves are cleared through the Attorney General's office. A more general local solicitation might be needed with consideration of DECAMP certification than us just putting out a general posting. He mentioned some work that the DPW crew can do, like the sidewalks and Oak Way, will be removed off the bid to reduce the cost. We will be cautious and make sure every step is vetted.

Kreidler asked the Board's consideration and if Selectman O'Keefe would be willing to tag him as a liaison back to the project for the public procurement just so in real time he can keep a member of the Board apprised. Hunt moved to designate Selectman O'Keefe the liaison back to the project; Berndt seconded. By a vote of all aye, the motion carried unanimously.

4. Miscellaneous Updates-

- a. 50 Franklin Street- Kreidler reported he has been advised that the business at 50 Franklin is now compliant with the Board of Health and the Conservation Commission. He further understands that they are working to remove the chipped/shredded materials and will not be bringing any additional materials or shredding any materials onsite without the appropriate DEP permits. The Board wanted them thanked for that.
- b. 49 Spring Street- Our court action was successful in compelling compliance with the unregistered vehicle bylaw at that location. As of this writing, the unregistered vehicles have been removed from the location. Kreidler said there is one unregistered plow vehicle on site and consideration was asked under the existing bylaw that allows one unregistered vehicle on premises to be able to keep it there for that purpose alone. It is specific to one vehicle.
- c. Multifamily Residential Unit Inspections- Kreidler said we've talked about this earlier and that he would have a draft bylaw for them in preparation of Town Meeting but they would see it sooner than that.

Kreidler reported a Dept. Head meeting was held today and asked the Selectmen when they bump into the Dept. Heads in the hallway, to thank them. It's been a rough road in this building over the last several months and they have been asked to do an awful lot and give up things they need to do their job and find ways to do their jobs without those resources. There has been a lot of support with people working in this community, but also lack of support of these employees who have felt it. If you see them, give them a nod of appreciation if you think of it. They have been through an awful lot and it was evident in the meeting today that people are tired and looking forward to the New Year for what it represents and the clean slate the deficit legislation represents.

MINUTES:

Monday, October 27, 2014 - Includes Joint Meeting with School Committee and Finance Committee: Hunt moved to approve; O'Keefe seconded. By a vote of all aye, the motion carried unanimously.

Monday, November 3, 2014 - Special Meeting: Hunt moved to approve; O'Keefe seconded. By a vote of all aye, the motion carried unanimously.

Thursday, November 6, 2014 - Reconvening of meeting held on Monday, Nov. 3, 2014 – Tabled to next meeting.

COMMUNICATIONS:

Hunt disclosed she is signing the license renewals for Lickety Splitz and the Glen Café but has no involvement with either business. Kreidler stated with Lickety Splitz being family he would scratch her name off of that one.

Berndt mentioned that Selectman Barrows was not here tonight but had sent gifts and his best wishes to the folks involved in the Toy Drive.

AGENDA ITEMS: Already addressed this evening.

ADJOURNMENT: With no Executive session needed, O'Keefe moved to adjourn; Hunt seconded. By a vote of all aye, the meeting adjourned at 9:25 p.m.

Respectfully submitted,

Linda Daigle
Executive Assistant